HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.1338 of 2006

Between

Raman Bhai Patel and another ..Appellants

AND

The Joint Collector II, Ranga Reddy and others ..Respondents

:: JUDGMENT ::

Counsel for the appellants	Sri N.Ranga Rao
Counsel for respondents 1 to 3	Government Pleader for Revenue
Counsel for respondents 4	Sri M.Rajamalla Reddy

22.12.2006

Per Sri C.V.Nagarjuna Reddy.J.

This appeal is directed against the order of the learned Single Judge in W.P.No.15590 of 2006 dated 25.8.2006 whereby he declined to interfere with the order passed by the first respondent - Joint Collector – II, Ranga Reddy District in Case No.D5/3092/2002 dated 31.12.2005.

The land admeasuring Ac.4.08 guntas in Survey No.494 and another piece of land admeasuring Ac.0.30 guntas in Survey No.493 situated at Turkayamjal Village of Hayathnagar Mandal originally belonged to one Mohammad Akbar and two others. The said land was sold to one T.R.Seshagiri Rao under a registered sale deed dated 30.10.1969. The appellants claim to have purchased this property from the said T.R.Seshagiri Rao under a registered sale deed dated 14.4.1978 and got mutation done in their favour. The appellants' case is that from 1982-1983 to 1990-1991, their names were shown in the revenue records as pattadars. In the year 1994, respondent No.4 filed an application before the 3rd respondent – Mandal Revenue Officer, Hayathnagar Mandal for mutation of his name in respect of land admeasuring Ac.6.10 gutnas in the said two survey numbers alleging that he purchased the said land under registered sale deed dated 10.2.1971 from Mohammad Akbar and others. The appellants filed objections before the third respondent, who after considering the same passed an order dated 30.8.1997 rejecting the application of the fourth respondent.

Feeling aggrieved by the said order, the fourth

respondent filed an appeal before the second respondent. After hearing the learned counsel for the parties, the second respondent passed order dated 30.4.1998 whereby he allowed the appeal filed by respondent No.4. The 2nd respondent in the said order inter alia held that the entries in the village records and physical possession are not tallying with each other and that till proper resurvey and resettlement are carried out, status quo shall be maintained in respect of physical possession and entries in the revenue record. The said order has become final. On 30.6.1999, the third respondent issued a direction to the V.A.O. to restore the entries in the pahanies for the years 1995-96 and 1996-97. Later, the second respondent passed an order on 16.5.2000 directing deletion of the names of the appellants in pattedar pass books and to issue pattadar pass books and title deeds in favour of the 4th respondent. Revision filed by the appellants against order dated 16.5.2000 was disposed of by the 1st respondent vide his order dated 31.12.2005. He held that the case between the parties was essentially of title dispute, it is appropriate that the parties get this dispute adjudicated by a competent civil court.

The writ petition filed by the appellants questioning the order of the 1st respondent was dismissed by the learned Single Judge with the observation that the remedy of civil suit available to the appellants under Section 8(2)of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') is an effective alternative remedy.

Having heard Sri N.Ranga Rao, learned counsel for the appellants, learned Government Pleader and the learned counsel for the fourth respondent, we have not felt persuaded to

interfere with the order of the learned Single Judge. It is required to be noted that order dated 16.5.2000 which was subject matter of the revision before the first respondent was only a consequential order passed in pursuance of the earlier order passed by the 2nd respondent on 30.4.1998. Admittedly, the said order dated 30.4.1998 was not challenged by the appellant. From the record, it is clear that there is serious dispute regarding the title between the parties and each of the parties is seeking to trace his title on the strength of these purported documents of tile. Having regard to these contentious claims regarding title, it is more appropriate that the party who seeks to establish his title may approach the Civil Court under the provisions of Section 8(2) of the Act.

In the aforesaid premise, we do not see any reason to interfere with the order passed by the learned Single Judge.

In the result, the appeal is dismissed.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.2836 of 2006 is also dismissed.

C.V.NAGARJUNA REDDY, J

G.S.SINGHVI, CJ

22-12-2006
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